

## **REMARKS**

Claims 1 and 5-17 are currently pending in the application. Applicant notes with appreciation the Examiner's withdrawal of the anticipation rejection over Carney. In view of the comments below and the amendments above, the application is in condition for allowance.

### **Priority Claim Issues Have Been Resolved**

As required by the Examiner, the specification has now been amended to clarify that the instant application is a *continuation* of its parent application. As a result, Applicant asserts that all issues concerning the priority claim have been resolved. Applicant notes the Examiner's indication that a petition under 37 CFR 1.78 is not required where the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a).

### **All Claims Are Patentable Over Carney In View of Lash and Gaukel**

Claims 1-3, 6-9, 11, 12, 16 and 17 stand rejected under 35 U.S.C. § 103(a) over Carney in view of U.S. Patent No. 6,469,641 to Lash et al. (hereinafter "Lash"); Claims 10 and 13-15 stand rejected under 35 U.S.C. § 103(a) over Carney in view of Lash, and further in view of Gaukel. These rejections are respectfully traversed for the reasons set forth below.

The present application is a continuation of U.S. Application No. 09/841,164, filed April 25, 2001 (hereinafter "the Parent Application"). The Parent Application has an *effective* filing date of April 25, 2000, by virtue of its priority claim to U.S. Provisional Patent Application Serial No. 60/199,346, filed April 25, 2000. The provisional application filed April 25, 2000 fully supports the presently claimed invention. Thus, the present application is afforded an effective filing date of April 25, 2000.

The Lash patent was filed on February 28, 2001, which is after the present application's effective filing date. Therefore, the Lash patent does not qualify as prior art as against the present application. It is therefore submitted that the § 103 rejections must be withdrawn.

Furthermore, Carney and Gaukel fail to teach or suggest the claimed invention. Carney teaches a device for sensing tampering of a utility meter by detecting positional displacement or loss of power to the meter wherein the device includes a DC power supply which converts AC voltage passing through the meter into DC voltage for use by the device. The DC power supply includes logic and control elements to regulate the output DC voltage, including smoothing the pulsating DC current and further reducing ripple and noise components. Carney fails to teach or suggest a remote sensing unit which includes at least one controller, wherein the controller, *inter alia*, controls power availability to selected devices associated with the remote sensing unit to minimize power used by the remote sensing unit, as recited in Applicants' claim 1. Similarly, Carney fails to teach or suggest controlling power available to selected remote sensing unit components to minimize power utilized by the remote sensing unit, as recited in Applicants' claim 16. As is recognized by the Examiner, Gaukel does nothing to cure these deficiencies of Carney. Thus, Carney and Gaukel clearly fail to render obvious independent claims 1 and 16 of the present application. Furthermore, claims 6-9, 11, and 12 depend from claim 1, and claim 17 depends from claim 16. Because these dependent claims inherently contain the limitations recited in the claims from which they depend, these dependent claims are inherently not rendered obvious by Carney and Gaukel. With respect to dependent claims 10 and 13-15, Applicant carries the arguments distinguishing the claims over Carney and Gaukel set forth in the Response filed June 29, 2006.

In view of all of the above, withdrawal of the rejection of claims 1-3, 6-9, 11, 12, 16 and 17, and the rejection of claims 10 and 13-15, is therefore respectfully requested.

## **CONCLUSION**

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that Claims 1 and 5-17 are in condition for allowance and Notice to that effect is respectfully solicited.

In the event that the Examiner is of the opinion that a telephone or personal interview will facilitate allowance of one or more claims in the above-referenced

application, she is courteously requested to contact Applicants' undersigned representative.

The Commissioner is hereby authorized to charge or credit any deficiency or overpayment associated with the filing of this response to our Deposit Account No. 50-0653.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard E. Kurtz", with a stylized flourish at the end.

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